IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4100 OF 2006.

Sanjay Leela Bhansali. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri A.H.H.Ponda for the Applicant.

Shri S.V.More, A.P.P. for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 24th November, 2006.

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for the State. Prayer in this Application under section 482 of the Code of Criminal Procedure, 1973 is for modification of the condition imposed in order dated 6th November 2006 by which the Applicant was ordered to be enlarged on bail. The grievance in this Application is about the condition by which the Applicant was directed to surrender his passport to the concerned Police Station and he was directed not to leave India without the permission of the Court.

2. A charge sheet is filed against the Applicant and and others for offence under sections 3, 7, 10(a) of the Essential Commodities Act. The allegation against the Applicant is of using domestic gas cylinders for commercial purpose. The said cylinders were used on the sets of a movie of which the Applicant was a director.

3. The submission of the learned Counsel for the Applicant is that considering the allegations made against the Applicant such a drastic condition was not at all warranted, especially when no one has alleged that the Applicant is likely to abscond by leaving India. He submitted that the Applicant has roots in India. He submits that whenever the Applicant wants to leave India, he will submit the schedule or the programme of his travel to the concerned Investigating Officer.

3. The learned A.P.P opposed the Application and submitted that there is no necessity of modification of the impugned order.

4. I have considered the submissions. The allegation against the Applicant is that the two LPG cylinders meant for domestic use were put to commercial use on a set of a movie of which the Applicant was the Director. the Applicant was granted anticipatory bail and thereafter he was granted regular bail by the order dated 6th November 2006. While granting anticipatory bail, the Sessions Court did not impose any such condition of deposit of passport. It is not in dispute that the Applicant has not violated conditions imposed while granting anticipatory bail. Now regular bail has been granted after completion of investigation. There

is no allegation made that he has not cooperated with the investigation.

5. Considering the nature of offence alleged and the aforesaid facts, in my view, the aforesaid condition imposed in order dated 6th November 2006 is uncalled for.

6. Hence the following order is passed:

i) The following condition "that accused shall surrender their passports to the concerned police station and shall not leave India without the permission of the Court" in order dated 6th November 2006 in C.C.No.1800/PS/2006 passed by the learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai, is set aside in so far as the Applicant is concerned.

ii) It is, however, directed that whenever the Applicant proposes to leave India, he will submit a complete itinerary to the concerned Investigating Officer before leaving India.

iii) The Applicant will ensure that trial is not delayed by reason of his absence.

Judge.